

**EIGHTH LEGISLATIVE DAY  
MONDAY, JANUARY 15, 2007**

House of Representatives

The House convened at 11:45 a.m., Mr. Moyle in the Chair.

Roll call showed 67 members present.

Absent and excused -- LeFavour, Mr. Speaker. Total -- 2.  
Total -- 69.

\*Mr. Deal resigned effective January 2, 2007

Prayer was offered by Representative Bedke.

The Pledge of Allegiance was led by Mike Jones, Page.

**Approval of Journal**

January 15, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

**Report of Standing Committees**

January 15, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 1** to the Secretary of State at 9:01 a.m., as of this date, January 12, 2007.

CLARK, Chairman

There being no objection, the House advanced to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

**HOUSE CONCURRENT RESOLUTION NO. 7  
BY EDUCATION COMMITTEE**

A CONCURRENT RESOLUTION

RECOGNIZING AND COMMENDING THE BOISE STATE UNIVERSITY FOOTBALL TEAM, THE 2007 FIESTA BOWL CHAMPION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Boise State University, located in Boise, Idaho, is an emerging metropolitan research university of distinction, achieving its vision through academic excellence, public

engagement, a vibrant culture and exceptional research; and

WHEREAS, Boise State University reflects the character of Idaho's capital city - a center of business, government, technology, health care and the arts; and

WHEREAS, Boise State University is the largest university in Idaho with 18,876 students - an all-time state fall enrollment record for the ninth time in ten years; and

WHEREAS, the Boise State University football team has won the Western Athletic Conference championship for five consecutive years; and

WHEREAS, the Boise State University Broncos completed their most recent football season with a record of 13-0, being the only undefeated NCAA Division I team in the country and a win in the New Year's Day Bowl Championship Series Fiesta Bowl over the vaunted seven-time national champion Sooners of the University of Oklahoma in a classic David versus Goliath matchup; and

WHEREAS, Boise State University's football team has the highest percentage of wins of any Division I football program in the nation since 1999 and the University of Oklahoma has the second highest percentage of wins of any Division I football program during that period; and

WHEREAS, the Boise State University Broncos finished ranked sixth in the Coaches/BCS poll and fifth in the nation in the Associated Press poll while receiving one first place vote; and

WHEREAS, Boise State University's head football coach, Chris Petersen, capped off an incredible 2006 season on Thursday (January 11) when he was named the Paul "Bear" Bryant College Coach of the Year. The award is part of the Paul "Bear" Bryant College Football Coaching Awards which is held annually to benefit the American Heart Association and honor excellence in coaching, and the honor is the first individual national award ever won by a member of a Boise State University football team at the NCAA Division I-A level.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we extend to Boise State University and the Bronco Football Team our enthusiastic congratulations on the past undefeated season, which has culminated in winning the BCS Fiesta Bowl over the University of Oklahoma in perhaps the most exciting college football game ever played. We commend the Broncos on their exciting style of play, gritty determination, dedication to the task at hand and their competitive spirit which led to not only the biggest victory in school history but also a victory that marks the dawn of a new era in college football by proving that teams from non-Bowl Championship Series conferences can compete and win against the nation's traditional football powers. We congratulate Coach Chris Petersen, the first coach in America since 1900 to win thirteen games against zero losses in NCAA Division I in his first year of head coaching, his coaching staff, players and the president of the university, Dr. Robert Kustra.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to President Robert Kustra and to Coach Chris Petersen of Boise State University.

**HCR 7** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of **HCR 6** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HCR 6** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayn, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total -- 65.

NAYS -- None.

Absent and excused -- Bayer, Henbest, LeFavour, Mr. Speaker. Total -- 4.

Total -- 69.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HCR 6** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet and Mr. Black to open debate.

The question being, "Shall **HCR 6** be adopted?"

Whereupon the Acting Speaker declared **HCR 6** adopted by voice vote and ordered the resolution transmitted to the Senate.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 4**

#### **BY HEALTH AND WELFARE COMMITTEE**

#### **AN ACT**

RELATING TO THE IDAHO RESIDENTIAL CARE ADMINISTRATORS ACT; AMENDING SECTION 54-4205, IDAHO CODE, TO INCREASE THE MAXIMUM ALLOWABLE FEES THE BOARD MAY ESTABLISH BY RULE.

#### **HOUSE BILL NO. 5**

#### **BY HEALTH AND WELFARE COMMITTEE**

#### **AN ACT**

RELATING TO COSMETICIANS; AMENDING SECTION 54-802, IDAHO CODE, TO REVISE THE

DEFINITIONS FOR "COSMETOLOGY" AND "ESTHETICS" AND TO PROVIDE CORRECT TERMINOLOGY.

#### **HOUSE BILL NO. 6**

#### **BY HEALTH AND WELFARE COMMITTEE**

#### **AN ACT**

RELATING TO COSMETICIANS; AMENDING SECTION 54-802, IDAHO CODE, TO REMOVE THE DEFINITION FOR "APPRENTICE" AND TO REVISE DEFINITIONS; AMENDING SECTION 54-805, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING APPRENTICE INSTRUCTION AND QUALIFICATIONS; REPEALING SECTION 54-807, IDAHO CODE, RELATING TO THE PRACTICE OF APPRENTICE; AMENDING SECTION 54-808, IDAHO CODE, TO REMOVE REFERENCES TO APPRENTICE INSTRUCTION AND TRAINING; AMENDING SECTION 54-818, IDAHO CODE, TO REMOVE A FEE APPLICABLE TO APPRENTICES; AMENDING SECTION 54-819, IDAHO CODE, TO DELETE A REFERENCE TO AN APPRENTICE AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 54-827, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO APPRENTICES AND TO MAKE A TECHNICAL CORRECTION.

#### **HOUSE BILL NO. 7**

#### **BY REVENUE AND TAXATION COMMITTEE**

#### **AN ACT**

RELATING TO SALES AND USE TAXES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 45, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION, TO AUTHORIZE THE COMMISSION TO ENTER THE STREAMLINED SALES TAX AGREEMENT, TO PROVIDE THAT THE AGREEMENT DOES NOT PREEMPT STATE LAW, TO PROVIDE MINIMUM TERMS AND CONDITIONS FOR ENTERING INTO THE AGREEMENT, TO PROVIDE THAT THE AGREEMENT IS AN ACCORD AMONG COOPERATING SOVEREIGNS, TO PROVIDE LIMITATIONS ON ACTIONS UNDER THE AGREEMENT, TO PROVIDE FOR CERTIFIED SERVICE PROVIDERS, TO REQUIRE THE STATE TAX COMMISSION TO PREPARE PROPOSED LEGISLATION TO IMPLEMENT THE PROVISIONS OF THE STREAMLINED SALES TAX AGREEMENT; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 8**

#### **BY REVENUE AND TAXATION COMMITTEE**

#### **AN ACT**

RELATING TO COLLECTION OF STATE TAXES; AMENDING SECTION 63-3061A, IDAHO CODE, TO PROVIDE THAT A NOTICE OF LEVY AND DISTRRAINT BE SENT BY FIRST CLASS MAIL.

#### **HOUSE BILL NO. 9**

#### **BY REVENUE AND TAXATION COMMITTEE**

#### **AN ACT**

RELATING TO THE TAX ON TOBACCO PRODUCTS; AMENDING SECTION 63-2554, IDAHO CODE, TO REQUIRE TOBACCO DISTRIBUTORS TO HOLD CIGARETTE PERMITS; AMENDING SECTION 63-2559, IDAHO CODE, TO ALLOW THE CREDIT FOR TAXES PAID TO DISTRIBUTORS WHO SHIP TOBACCO PRODUCTS TO DISTRIBUTORS OUTSIDE IDAHO; AND AMENDING SECTION 63-2560, IDAHO CODE, TO DELETE PROVISIONS RELATING TO MONTHLY ESTIMATED TAX RETURNS, TO PROVIDE RETURNS MONTHLY OR SUCH OTHER PERIOD AS THE STATE TAX COMMISSION MAY BY RULE PROVIDE AND TO MAKE TECHNICAL CORRECTIONS.

**H 4, H 5, H 6, H 7, H 8, and H 9** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Thirteenth Order of Business.

#### **Miscellaneous and Unfinished Business**

Representative Hagedorn will serve on the Business Committee and the Transportation and Defense Committee.

#### **BUSINESS (16)**

Black, Chairman  
Henderson, Vice Chairman

Collins  
Snodgrass  
Edmunson  
Bilbao  
Chadderdon  
Anderson  
Mathews  
Crane  
Patrick  
Hagedorn

Smith(30)  
Rusche  
Durst  
Killen

#### **TRANSPORTATION AND DEFENSE (14)**

Wood(35), Chairman  
Hart, Vice Chairman

Smith(24)  
Roberts  
Bedke  
Wills  
Moyle  
Nonini  
Mortimer  
Hagedorn

Shepherd(2)  
Ringo  
King  
Ruchti

#### **Adjournment**

Mr. Roberts moved that the House adjourn until 11:45 a.m., Tuesday, January 16, 2007. Seconded by Mr. Rusche. Motion carried.

Whereupon the Acting Speaker declared the House adjourned at 12:05 p.m.

MIKE MOYLE, Acting Speaker

ATTEST:

PAMM JUKER, Chief Clerk

There being no objection, the House advanced to the Sixteenth Order of Business.